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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,055	02/07/2001	Yuichi Asami	Q62904	7352

7590

03/08/2004

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EXAMINER

CAPRON, AARON J

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 03/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/778,055

Applicant(s)

ASAMI ET AL.

Examiner

Aaron J. Capron

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-35.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

ADVISORY ACTION


Applicants assert that the Examiner is improperly combining a multiple features of Sone in view Tsai in order to reject the Applicants' claims by using both Figures 7B and 7C.

Applicants define the connection music to be any music that serves to relieve the tension of the game players (page 23, lines 7-8). However, Sone discloses a karaoke machine that outputs a plurality of songs and that the cross-fading (Figure 7B) happens over three or more songs. Sone provides a cross fading mode (Figure 7B) that incorporates two or more songs, wherein the first song is the first music output means, a second song is the connection music output means and the third song is the second music output means, wherein each of the songs are stored within the karaoke device before the game has begun. The claimed invention, in combination with the disclosure, is not so limiting as to exclude the use of Sone's pieces of music (as shown in Figure 7B) to be used as the connection music. Therefore, the claimed invention fails to preclude the obvious rejection of Sone in view of Tsai.

Applicants argue that Sone has no teaching or illustrations with respect to preamble timing and post amble timing. However, Sone provides a first music piece section being indirectly joined to a second music piece section, wherein an indirect joint is illustrated in Figure 7B (2:22-25). For example, with respect to Figure 7B, at the time when the first music piece section starts to fade out until the first piece section completely ends would be considered a post amble section and the time when the second music starts to fade in until the second music piece section is exclusively playing would be considered the pre-amble (9:23-52). As stated above, the claimed invention, in combination with the disclosure, is not so limiting as to exclude the use of Sone's pieces of music (as shown in Figure 7B) to be used as the connection music and a third

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piece of music acting as the second music output. Therefore, the claimed invention fails to preclude the obviousness rejection of Sone in view of Tsai.



JESSICA HARRISON
PRIMARY EXAMINER